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PATENT APPLICATION NO.
10/675,159

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard (nmi) Braun et al.
Serial No. 10/675,159
Filing Date: September 29, 2003
Group Art Unit: 2141
Title: Remote Management Utility

MAIL STOP: PETITIONS
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

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I hereby certify that this communication is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Willie Jiles

Willie Jiles

Date: September 22, 2005

Petition to Make Special Under 37 C.F.R. § 1.102(d)

Applicants submit this Petition under 37 C.F.R § 1.102(d) to make this Application special.

Single Invention

Applicants present claims directed to a single invention. Applicants will make an election without traverse as a prerequisite to the grant of special status if the Office determines that all claims are not obviously directed to a single invention.

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DAL01:871566.1

Pre-Examination Search

Intellectual Property Concerns, Inc., made a pre-examination search. The field of the search included Class 345, Subclasses 740, 741, and 743; Class 707, Subclass 9; and Class 709, Subclass 223. The search also included foreign patents.

In addition, Applicants made an in-house pre-examination search using an Internet search engine.

The searches uncovered the following references:

1. U.S. Patent No. 6,256,635
Inventors: Yan Arrouye, John Comiskey, Chris Nebel, Richard Ford, Michel Guittet, and Alice Li
Title: *Method and Apparatus for Configuring a Computer Using Scripting*
2. U.S. Patent No. 6,289,378
Inventors: Barry D. Meyer and Tim O. Lesniak
Title: *Web Browser Remote Computer Management System*
3. U.S. Patent No. 6,415,288
Inventors: Niels Gebauer
Title: *Computer Implemented System for Communicating Between a User Terminal and a Database System*
4. U.S. Patent No. 6,415,324
Inventors: Daryl Carvis Cromer, Brandon Jon Ellison, Robert Duane Johnson, Eric Richard Kern, and Randall Scott Springfield
Title: *Data Processing System and Method for Permitting a Client Computer System to Temporarily Prohibit Remote Management*
5. U.S. Patent Application Publication No. US 2002/0112038
Inventors: Rainer Hessmer, Ivan A. Todorov, Michael Hadrich, and Louis D. Ross
Title: *Method and System for Remote Configuration of Process Data Access Servers*
6. *Windows 2000 Centralized Management*, February 10, 2000,
www.microsoft.com/windows2000/techinfo/howitworks/management/cmover.asp.
7. *Windows 2000 Centralized Management*, 2000.

8. John Kaiser, *Step-by-Step Guide to Remote Assistance*, July 2001, www.microsoft.com/technet/prodtechnol/winxppro/maintain/rmassist.asp?frame=true.
9. *Using Remote Assistance, Get Help When You Need It*, August 24, 2001, www.microsoft.com/windowsxp/pro/using/howto/gethelp/remotearrassist/default.asp.
10. *Using Remote Assistance, Start a Session from Windows Messenger*, August 24, 2001, www.microsoft.com/windowsxp/pro/using/howto/gethelp/remotearrassist/viaim.asp.
11. *Using Remote Assistance, Start a Session with E-Mail*, August 24, 2001, www.microsoft.com/windowsxp/pro/using/howto/gethelp/remotearrassist/viaemail.asp.
12. *Using Remote Assistance, Start a Session by Sending a File*, August 24, 2001, www.microsoft.com/windowsxp/pro/using/howto/gethelp/remotearrassist/viafile.asp.
13. *Remote Assistance FAQ for General Users*, December 11, 2001, www.microsoft.com/windowsxp/pro/using/howto/gethelp/remotearrassist/rafaq-general.

Applicants filed an Information Disclosure Statement (IDS) on September 29, 2003, disclosing all the above references and including copies of all the above nonpatent references.

Discussion of the References

U.S. Patent No. 6,256,635 discloses a method and apparatus for configuring a computer. One embodiment of the invention combines all of the prior art control panels related to networking into a consolidated Network Setup Control Panel. In addition, the invention provides for computer configuration by scripting. The configuration may be for a type of system setting or for network configurations and protocols. Through scripting, a computer may be configured locally or remotely on a network. One embodiment of the invention provides for a centralized database or Configuration Library consisting of collected data relating to available configuration settings. This database is not limited to configuration information and can be used as a general database containing information the user desires to store. To modify a configuration by scripting, the invention provides for a Scripting Interface consisting of a Scripting Server and Scripting Plug-In. The Scripting Server receives the script forwarded from a user or network administrator, parses the script and determines the appropriate Scripting Plug-In to forward the desired action to. The Scripting Plug-In receives the commands and executes the appropriate actions to modify the configuration as directed.

U.S. Patent No. 6,289,378 discloses a computer management system capable of managing computer programs, computer files, computer settings, peripheral settings and the like is controlled through the use of agents on the computers and a remote accessing program. The remote accessing program, in a preferred embodiment, can be a commercial web browser. The user can use the remote accessing program from any computer to reach the agent on the computer. After being recognized by the agent, the user can make any adjustments to the computer through the agent.

U.S. Patent No. 6,415,288 discloses an apparatus for and method of utilizing an internet terminal coupled to the world wide web to access an existing proprietary data base management system having a dialog-based request format. The user request is received by a web server from the world wide web and converted into one or more sequenced data base management commands. These data base management commands are sequentially presented to the data base management system and the intermediate products stored. After all of the sequenced data base management commands have been executed, the web server combines the intermediate products to form a complete response to the initial user request. The response is transferred to the user over the world wide web. Certain specialized service requests are defined which establish and modify system settings parameters. These system settings parameters are stored and used for controlling general system operation of the data base management system.

U.S. Patent No. 6,415,324 discloses a data processing system and method including a server computer system and a client computer system coupled together utilizing a network are described for permitting the client computer system to temporarily prohibit remote management of the client computer system. The client computer system sets a remote override condition in the client computer system for temporarily prohibiting remote management of the client. The client temporarily prohibits all attempts to manage the client remotely utilizing the network when the remote override condition is set.

U.S. Patent Publication No. U.S. US 2002/0112038 discloses a remote configuration utility architecture is disclosed for a manufacturing/process control system data access server. Server agents, located on remote nodes, notify a configuration console of existing data access servers on the system. The configuration utility includes a control console from which a user selects one of the identified data access servers. Thereafter, the configuration console, via remote interfaces, obtains configuration parameters and associated rules associated with the selected data access server. The configuration utility thereafter displays the retrieved configuration information within a user interface faceplate defined for a type of configuration node selected for display/editing from the selected DAS. Using various faceplates for selected node types, the user creates, clears, examines and/or manipulates hierarchically arranged nodes for a configuration associated with the selected data access server.

Windows 2000 Centralized Management, posted February 10, 2000, describes several remote management tools that can be used to administer Windows 2000 machines, whether they exist in the corporate data center or a branch office. Windows 2000 provides integrated management services that reduce the cost associated with typical administrative tasks. These Windows management services form the foundation for built-in and value-added management tools that provide desktop management, centralized management, and easier deployment. Services and features that enable centralized management include Windows Management Instrumentation (WMI), Windows Script Host (WSH), Terminal Services, Active Directory, Microsoft Management Console (MMC), and other remote management capabilities.

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Management Instrumentation (WMI), Windows Script Host (WSH), Terminal Services, Active Directory, Microsoft Management Console (MMC), and other remote management capabilities.

Step-by-Step Guide to Remote Assistance, published July 2001, is a guide that helps you get started using Remote Assistance, which allows an expert to connect to a novice's computer and correct any problems directly. The guide includes the main scenarios used to initiate remote assistance sessions.

Using Remote Assistance, Get Help When You Need It, posted August 24, 2001, discloses that there are three ways to use Remote Assistance. The fastest is via instant messaging using Windows Messenger. You can also initiate remote assistance session via e-mail. If you use a web-based e-mail service, such as MSN Hotmail, you can fill out a form and save it as a file to attach to an e-mail.

Using Remote Assistance, Start a Session from Windows Messenger, posted August 24, 2001, discloses sending a remote assistance request via instant messaging.

Using Remote Assistance, Start a Session with E-Mail, posted August 24, 2001, discloses initiating remote assistance via e-mail.

Using Remote Assistance, Start a Session by Sending a File, posted August 24, 2001, discloses using remote assistance by saving a request as a file and attaching it to an e-mail.

Remote Assistance FAQ for General Users, posted December 11, 2001, discloses answers to common questions about Remote Assistance. The Remote Assistance feature in Windows XP lets you share control of your computer with someone else over a network or the Internet. With your permission, a colleague or technical support person who is also running Windows XP can access your computer to help you fix a technical problem. If you are a technical expert you can use Remote Assistance to help others.

Applicants' Claims are Patentable Over the References

The above references fail to disclose, teach, or suggest one or more limitations recited in Applicants' claims, whether the above references are considered individually or in any combination. As an example, none of the above references discloses, teaches, or suggests "assigning an elevated access right to a remote user identifier and a limited access right to an end user identifier, the limited access right operable to prevent access to the utility at the end user device," and "launching the administrative tool according to the elevated access right while maintaining the limited access right of the end user identifier," as recited in independent Claim 1. As another example, none of the references discloses, teaches, or suggests "generating an elevated access layer using the elevated access right, the elevated access layer operable to elevate the access right of the remote user identifier according to the elevated access right" and "processing at least one administrative task at the end user device using the administrative tool while maintaining an end user identifier logged into the network with a limited access right, the limited access right operable to prevent access to the administrative tool at the end user device," as recited in independent Claim 9.

For at least these reasons, Applicants' claims are patentable over the references discussed above.

Conclusion

Under 37 C.F.R § 1.102(d), Applicants respectfully request that this Application be granted special status. Enclosed is a check in the amount of \$130.00 for this Petition. The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



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Date: September 22, 2005

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